

[Doc. No. 20]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

MAURICE GOODEN,

Plaintiff,

v.

GARY MERLINE, et al.,

Defendants.

Civil No. 07-4716 (RMB)

ORDER

THIS MATTER having come before the Court upon the motion of Defendants, Gary Merline, Steve Iuliucci, William Platt, Timothy Keating, and Joseph Conrad (hereinafter "Defendants"), for an Order granting leave to take the deposition of Plaintiff Maurice Gooden, I/M #563121, SBI #143363C, at New Jersey State Prison in Trenton, New Jersey, pursuant to Federal Rule of Civil Procedure 30(a)(2); and

IT APPEARING TO THE COURT that Plaintiff's complaint in this action was received on October 1, 2007, and was filed on October 10, 2007; and

IT FURTHER APPEARING TO THE COURT that the Federal Rules of Civil Procedure provide for depositions upon oral examination of confined parties. Specifically, Rule 30(a)(2) states that "[a] party must obtain leave of court, which shall be granted to the

extent consistent with the principles stated in Rule 26(b)(2), if the person to be examined is confined in prison;" and

IT FURTHER APPEARING TO THE COURT that the deposition of a person confined in prison may be taken only by leave of court on such terms as the Court prescribes. See Miller v. Bluff, 131 F.R.D. 698, 699 (E.D. Pa. 1990). This is a recognized exception to the otherwise general rule that leave of court is not required in order to take another party's deposition. FED. R. CIV. P. 30(a)(1). The purpose of Rule 30(a)(2) is to prevent unnecessary disruption to the prison administration and to protect the prisoner from "any possible disadvantage in the deposition process." Kendrick v. Schnorbus, 655 F.2d 727, 729 (6th Cir. 1990); and

IT FURTHER APPEARING TO THE COURT that there are no conditions present which warrant the denial of this motion; and there being no opposition to the motion, and for good cause shown,

IT IS on this 4th day of April 2008,

ORDERED that Defendants' motion for an order granting leave to take the deposition of Plaintiff pursuant to FED. R. CIV. P. 30(a)(2) is hereby **GRANTED**; and it is further

ORDERED that the discovery deposition of Plaintiff Maurice Gooden shall be taken on a date and time convenient to all parties and the Warden of New Jersey State Prison no later than April 30, 2008, at a place designated by the Warden of New Jersey State Prison in Trenton, New Jersey; and it is further

ORDERED that the Court Reporter is permitted to bring court reporting machinery, including a laptop computer, into the prison facility subject to and consistent with all prison regulations.

s/ Ann Marie Donio
ANN MARIE DONIO
United States Magistrate Judge

cc: Hon. Renée Marie Bumb